IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.20496 of 2008
SANTOSH KUMAR TIWARI,
son of Bishundeo Tiwari, resident
of Village Kutia, P.S. Vijaypur,
District Gopalganj
-----Petitioner
Versus
STATE OF BIHAR & ANR.
---

6. 10.12.2008 Heard the learned counsel for the petitioner and the State as well as the opposite party no.2.

The petitioner is apprehending his arrest in connection with Complaint Case No.1654/06, Trial No.2643/07, for the alleged offences registered under section 498 A of the Indian Penal Code.

It appears that by order dated 10.11.2008, on the joint prayer of the parties, two weeks' time was allowed to file joint affidavit stating to the effect that the petitioner as well as the complainant is living together. It has been submitted that such affidavit could not be filed as the parties are not living together. Learned counsel for the petitioner submits that the complainant herself is not desirous of living with the petitioner as she wants to live in her parents' house and also wants that her husband should also live with her. It is further submitted that notwithstanding the above, there is no specific allegation against the petitioner and as of now a decree for restitution of conjugal rights has been passed in favour of the petitioner in which the complainant did not appear.

The learned counsel for opposite party no.2 submits that since the petitioner did not go to bring the complainant, as such she is not living with the petitioner although she also wants to live

WEB COPY NOT OFFICIAL

with him.

Considering the facts and circumstances of the case, let the petitioner above named, in the event of his arrest or surrender in connection with Complaint Case No.1654/06 (Trial No.2643/07) within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Gopalganj, in connection with the aforesaid case, on the conditions mentioned in sub-section (2) of section 438 of the Code of Criminal Procedure.

WEB COPY NOT OFFICIAL

PNM **(Shailesh Kumar Sinha, J.)**